

California Code of Regulations

TITLE 21. PUBLIC WORKS

DIVISION 1. DEPARTMENT OF GENERAL SERVICES

CHAPTER 1. OFFICE OF THE STATE ARCHITECT

SUBCHAPTER 2.5. VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM

Program Regulations

Article 1 – General Provisions

Section 111. Purpose of the Chapter. These regulations are adopted by the Division of the State Architect to implement and make specific the Voluntary Certified Access Specialist Program commencing with Section 4459.5 of the Government Code.

Participation in this program is voluntary and is designed to ensure that the individuals participating in this certification program are knowledgeable with state and federal accessibility laws and regulations and possess the expertise to promote access to facilities for persons with disabilities.

Authority: Section 4459.5-4459.8, Government Code
Reference: Section 4459.5, Government Code

Section 112. Authority. The State Architect is responsible for determining the criteria for eligibility and certification of individuals participating in this Voluntary Certified Access Specialist Program pursuant to the provisions of Chapter 7, Division 5, Title 1, Government Code, commencing with Sections 4459.5 – 4459.8.

Certification shall only be granted by the Voluntary Certified Access Specialist Program, which operates within the Division of the State Architect.

Authority: Section 4459.5 - 4459.8, Government Code
Reference: Section 4459.5 – 4459.8, Government Code

Section 113. CASp Scope of Work. Services rendered by a CASp, upon request by a facility owner, may include the following:

- a) Review of facility plans and specifications for compliance with current state and federal accessibility codes and regulations.
- b) Investigate a facility for compliance with current state and federal accessibility codes and regulations.

- c) Conduct accessibility research, prepare accessibility reports, and/or conduct accessibility inspections, as requested.

Section 114. CASp Scope of Work Limited to Design Professionals. Only design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer shall provide professional design services permitted by their applicable license or registration.

Authority: Section 4459.5-4459.8, Government Code
Reference: Section 4459.8(a), Government Code

Article 2 – Definitions

Section 121. Definitions. As used in this Chapter, the term:

“Access Requirement” means a provision for disability access in any federal or state law, regulation, building code or government standard, applicable to the design, construction or inspection of facilities.

“Access Specialist” means any individual currently holding a certificate of Certified Access Specialist.

“CASp” is an acronym for **“Certified Access Specialist”**.

“Facility” means all or any portion of buildings, site improvements, roads, walks, passageways, or parking lots.

“GED” means General Equivalency Diploma.

“Program” means the Voluntary Certified Access Specialist Program.

Authority: Section 4459.5-4459.8, Government Code
Reference: Sections 4459.5 and 4459.7(c), Government Code

Article 3 – Certification Process

Section 131. Candidate Eligibility Application.

In order to apply to be a CASp, candidates must submit a completed Candidate Eligibility Application form to establish eligibility for the certification examination.

Authority: Section 480 and 481, Business and Professions Code, and Section 4459.5 Government Code
Reference: Section 493, 480, 481, 7066, 7069, 7073, and 7153.1, Business and Professions Code

Section 132. Criminal Convictions.

- a) The State Architect or Designee may deny acceptance of an applicant into the Program because of a criminal conviction as set forth in Section 151 (a) (2).
- b) The State Architect or Designee may require the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151 (a) (2) including, but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide those documents may result in application denial, certificate suspension, or denial of certification renewal.

Authority: Section 480 and 481, Business and Professions Code, and Section 4459.5 Government Code
Reference: Section 493, 480, 481, 7066, 7069, 7073, and 7153.1, Business and Professions Code

Section 133. Education and Experience.

Minimum candidate education and experience eligibility for examination acceptance may be satisfied by:

EITHER:

(A)1 Education: Thirty semester units of college coursework with major work in Architecture, Architectural Technology, Building Science, City and Regional Planning, Civil Engineering, Construction Management, Environmental Design, Industrial Design, Interior Architecture/Design, Landscape Architecture, Urban and Regional Design; and

(A)2 Experience: Two years of full-time employment by:

- a) a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design,

and/or field inspection; or

- c) a licensed general contractor (Class A or B) as the owner and/or a superintendent.

OR:

(B)1 Education: High school diploma or GED; and

(B)2 Experience: Four years of full-time employment by:

- a) a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) a licensed general contractor (Class A or B) as the owner and/or a superintendent.

OR:

(C) Three years of full-time employment in a specialized area of disability access rights, conducting assessments of facilities to determine adequacy related to the specific needs of the disabled community.

OR:

(D) Professional license, or registration, issued by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer.

Authority: Sections 4459.5, 4459.8, Government Code
Reference: Section 4459.5, Government Code

Section 134. Candidate Examination. An examination will be administered to assess each candidate's knowledge of access requirements. The examination may cover a variety of areas including:

- a) Title II, Title III, and Title V of the *Americans with Disabilities Act of 1990* (42 USC Chapter 126), and promulgating regulations, the *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*.
- b) Provisions for accessibility throughout all parts of the current edition of the *California Building Standards Code*.
- c) Provisions for accessibility in California statutes in the *Government Code*, *Health and Safety Code*, and *Civil Code*.
- d) *Fair Housing Amendments Act of 1988* (42 USC Sections 3601–3620) and promulgated

technical guidance in the *Fair Housing Accessibility Guidelines*.

- e) Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq) and promulgating regulations, the *Uniform Federal Access Standards (UFAS)*.
- f) American National Standard for Accessible and Usable Buildings and Facilities (ANSI A117.1).
- g) California Department of Housing and Community Development (HCD) *Model Ordinance for Universal Design* (Chapter 726 of Statutes of 2002, adopted Section 17959 of the Health & Safety Code).
- h) New Home Universal Design Checklist (Section 17959.6 of the Health and Safety Code).

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 135. Certification Qualification. A candidate becomes eligible for certification as a CASp after attaining a passing score on the Candidate Examination. The passing standard for the examination shall be established in accordance with professional standards such as the *Standards for Educational and Psychological Testing* (AERA/APA/NCMA, 1999), the *Principles for the Validation and Use of Personnel Selection Procedures*, the *Federal Uniform Guidelines on Employee Selection Procedures* (1978), and recommendations described in the *Standards for the Accreditation of Certification Programs* (NOCA, 2003) by the National Commission for Certifying Agencies (NCCA).

Upon successful completion of the Candidate Examination, an individual will receive an official CASp Certificate, which evidences the successful completion of the examination and certification as a CASp under the Voluntary Certified Access Specialist Program. This certification will be valid for a three year period.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 136. Certification Renewal. A CASp becomes eligible for renewal of certification after attaining a passing score on the recertification examination. Successful passage of the recertification examination will result in certification for an additional three year period.

Authority: Sections 4459.5 and 4459.8(b), Government Code
Reference: Section 4459.8(a), Government Code

Article 4 – Fees

Section 141. Fees. In order to participate in the Voluntary Certified Access Specialist Program, the following fees will be required:

- a) Initial certification. The total in fees for initial certification is \$1926.00.
 - 1. \$525.00 *Application Fee*, for processing Candidate Application; non-refundable.
 - 2. \$331.00 *Candidate Examination Fee*, to take the Certification Examination; non-refundable.
 - 3. \$1070.00 *Certification Fee*, for program administration over the initial three-year term of certification; non-refundable.
- b) Certification renewal. The total in fees for certification renewal is \$1400.00.
 - 1. \$330.00 *Recertification Examination Fee* to take the Recertification Examination prior to expiration of the current term of certification; non-refundable.
 - 2. \$1070.00 *Certification Renewal Fee*, for program administration over an additional three-year term of certification; non-refundable.

Authority: Section 4459.8(b)-(c), Government Code
Reference: Section 4459.8(b)-(c), Government Code
Section 11340.5, Government Code

Article 5 – Enforcement

Section 151. Grounds for Certification Suspension, or Denial of Certification Renewal.

- a) The State Architect or Designee may suspend certification or deny certification renewal when any of the following conditions exist:
 - 1. The requirements of this subchapter have not been satisfied.
 - 2. The certificate holder or recertification candidate has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of a person holding a certificate to perform the functions authorized by the certificate in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to the following:
 - (a) A conviction of child abuse.
 - (b) A conviction as a sex offender.
 - (c) The conviction of any crime involving narcotics, dangerous drugs, or

- dangerous devices, as defined in Section 4022 of the Business and Professions Code.
- (d) A conviction for assault and/or battery or lewd conduct.
- 3. The State Architect has received a complaint regarding the work of a CASp and has determined the work has not been performed to generally accepted industry standards.
- b) The notice of suspension of a certificate or denial of a certification renewal shall be in writing and shall specify the basis for the suspension or denial of the certification.

Authority: Sections 481, Business and Professions Code, and Section 4459.8, Government Code.
 Reference: Sections 480 and 481, Business and Professions Code and Sections 4459.5 – 4459.8, Government Code.

Section 152. Criteria for Rehabilitation. When considering initial certification, suspension of certification, or denial of certification renewal of an applicant or certificate holder convicted of a crime, on the grounds of Article 5, Section 151(a), the State Architect or Designee in evaluating the rehabilitation of such person and his/her eligibility for examination or certification may consider the following criteria:

- a) Nature and severity of the act(s) or offense(s).
- b) The time that has elapsed since commission of the act(s) or offense(s).
- c) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

Authority: Sections 481, Business and Professions Code, and Section 4459.8, Government Code.
 Reference: Sections 480 and 481, Business and Professions Code and Sections 4459.5 – 4459.8, Government Code.

Section 153. Filing an Appeal.

- a) Prior to suspending certification or denying certification renewal, the State Architect or Designee will file and serve the CASp with written notice of the action proposed to be taken regarding the certification. The written notice shall include the reasons for the action to be taken, as applicable, and provide a summary of the facts and allegations which form the cause or causes of the action proposed to be taken. The written notice shall also provide information regarding the process for appealing the decision(s).

- b) Service of the written notice of the proposed action to be taken may be by personal service or certified mail.
- c) If a written request appealing the proposed action is delivered to the State Architect Voluntary Certified Access Specialist Program within 15 days from the date of service, the appeal shall be conducted through written submissions. The State Architect or designee shall notify the CASp with a written notice providing the specific dates upon which the Statement of Appeal and supporting documents, if any, shall be filed and the specific location where the Statement of Appeal and supporting documents shall be delivered.
- d) Within 60 days from the date of receipt of the Statement of Appeal, the State Architect or his designee, shall render his determination. The time to render his determination may be extended at the discretion of the State Architect or designee.
- e) To the extent an individual submitting a written request appealing the proposed action requests a hearing, the hearing shall be held as provided for in subsection (f) below.
- f) The State Architect shall designate an appropriate hearing officer to conduct the hearing. The written notice shall include the date and time set for the hearing. The hearing shall be limited in scope to the allegations set forth in the written notice stating the action being taken. The applicant may also bring a representative of his or her choice.
- g) The applicant or CASp shall be notified in writing of the determination by the State Architect or his designee, who shall issue and serve the written decision upon the applicant or CASp of the decision.
- h) The State Architect or his designee has the discretion to order that a certification be temporarily invalidated pending any appeal or hearing and any post-hearing decision of the State Architect.
- i) Any appeal of a decision rendered by the State Architect or his designee regarding certification may be appealed to the Superior Court.

Authority: Section 4459.8, Government Code.
 Reference: Sections 4459.5 – 4459.8, Government Code